

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:09-CV-153-F

ROBERT GENE BAILEY
Plaintiff,

v.

STEVEN BUTLER, SR., et al.,
Defendants.

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ORDER

This matter is before the court for consideration of the Magistrate Judge's May 6, 2009, Memorandum and Recommendation (M&R) [DE-8]. The plaintiff, Robert Gene Bailey filed a timely "Objection" [DE-9] thereto.

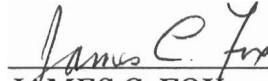
Rule 72(b), FED R CIV. P. provides in pertinent part that "a party may serve and file specific, written objections to the proposed findings and recommendations" contained in an M&R. Thereafter, the district judge "shall make a de novo determination . . . of any portion of the [M&R] to which specific written objection has been made." Objections must be filed within ten days of service of the M&R. *See* Rule 72(b), FED. R. CIV. P.

The court has conducted a careful independent review of the record in this matter and concurs with the Magistrate Judge's analysis contained in his M&R. The court, therefore, has reached the *de novo* determination that the M&R is correct and in accordance with the law.

Accordingly, the court ADOPTS the Magistrate Judge's M&R, and hereby ORDERS that this action is DISMISSED as FRIVOLOUS for the reasons cogently stated in the M&R. The Clerk of Court is DIRECTED to close this case.

SO ORDERED.

This the ¹¹~~10~~th day of June, 2009.



JAMES C. FOX
Senior United States District Judge